GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

Establishment – State Audit Department – Irregular authorization of pensionary benefits to Sri S.A.Gaffar, Junior Auditor, (Retd) State Audit, Kadapa by Sri Md.Basheer, A.A.O., State Audit (ZP) (Retd) Kadapa – Punishment of withholding of 25% cut in pension for a period of 5 years on Sri Md.Basheer, A.A.O. State Audit (ZP) Kadapa under Rule 9 of A.P. Revised Pension Rules, 1980 – Orders – Issued.

FINANCE (ADMN.II) DEPARTMENT

G.O.Rt.No.3565 Dated: 30.08.2008

Read the following:-

1. From the Director General, Anti Corruption Bureau, Hyderabad letter Rc.No.138/RCT.TCD/1999, dated 09.08.1999.
2. Govt. Memo.No.1475/259/A1/Admn.II/1999, dated 30.08.1999.
3. G.O.Ms.No.67, Finance (Admn.II) Department, dated 20.06.2000.
4. From the Director General, Anti Corruption Bureau, Hyderabad letter Rc.No.138/RCT-TCD/99, dated 06.05.2006 alongwith copy of judgement in Criminal Appeal Misc. Petition No.708/2006 of High Court of A.P. dt. 26.04.2006.
5. G.O.Ms.No.269 Finance (Admn.II) Department, dated 19.09.2006.
6. From the Director of State Audit, A.P.Hyderabad letter Roc.No.42/L1/2006, dated 31.07.2007.
7. Govt. Memo.No.5786-C/533/A1/dmn.II/2002, dated 25.04.2008
8. Representation of Sri Md.Basheer, Assistant Audit Officer, (Retd) State Audit Department dated 09.05.2008 received through the Director of State Audit, Hyderabad letter Roc.No.24779/L1/1999, dated 13.05.2008.
9. Govt. letter No.5786-C/533/A1/dmn.II/2002, dated 18.06.2008 addressed to the Secretary, A.P.P.S.C. Hyderabad.
10. From the Secretary, A.P.P.S.C. Hyderabad letter No.1734/RT-I/3/2007, dated 31.12.2007.

O R D E R :-

In the reference 1st read above, the Director General, Anti Corruption Bureau, Hyderabad has reported that he has registered a case in Cr.No.5/RCT-TCD/99 under Prevention of Corruption Act, 1988 against the Accused Officer, Sri S.A.Gaffar, Junior Auditor (concerned Pension Audit Clerk) was caught red handed when he demanded and accepted a bribe of Rs.500/- from the complainant for processing the pension papers of one late Sri M.Mohiuddin, Police Constable and then arrested and released on self-surety. Government have directed the Director of State Audit to conduct a discreet enquiry with regard to the functioning of the Audit Officer, Cuddapah in the reference 2nd read above. In the reference 3rd read above, Government have issued sanction of Prosecution orders in respect of Sri S.A.Gaffar, Junior Auditor under Section 7, 13 (2) r/w 13 (1)(d) of Prevention of Corruption Act, 1988. The D.G., A.C.B. has informed that Special Judge for SPE & ACB Cases, Nellore delivered the judgement on 26.04.2006 in C.C.No.14/2000 convicting the Accused Officer, Sri S.A.Gaffar, Junior Auditor O/o. the Local Fund Audit, Kadapa and sentenced him to undergo six months simple imprisonment and to pay a fine of Rs.500/-for the offence u/s 7 of P.C. Act and also sentenced to under one year simple imprisonment and to pay a fine of Rs.1,000/- for offence u/s 13 (2) read with 13 (1) (d) of P.C.Act, 1988 and requested to dismiss the Accused Officer from Service on the ground of conduct which led to his conviction on a criminal charge under Rule 25 of A.P.Civil Services (CCA) Rules, 1991 without any notice vide reference 4th read above. In the reference 5th read above, after obtaining explanation from the Accused Officer, Government have issued final orders imposing a penalty of withholding of Pension and Gratuity in full permanently on Sri S.A.Gaffar, Junior Auditor (Retd) under Rule 9 of A.P. Revised Pension Rules, 1980.

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2. In the reference 6th read above, the Director of State Audit has stated that Sri Md.Basheer, while functioning as Assistant Audit Officer, State Audit, Kadapa has irregularly sanctioned superannuation pension and other terminal benefits of Sri S.A.Gaffar, Junior Auditor (Retired) O/o. the A.A.O., State Audit (ZP) Kadapa and forwarded the pension papers to the Accountant General, A.P.Hyderabad without verifying and taking into account the A.C.B. prosecution case pending against him and caused the loss of Rs.4,48,861/- to the Government in the form of payment of superannuation pension instead of provisional pension for the period from 01.05.2004 to 30.09.2006 (28 months). Disciplinary action was initiated against Sri Md.Basheer, while in service and the Enquiry Officer has submitted his enquiry report and the charge is held provided. As he retired from service on superannuation on 31.05.2007, the Director of State Audit has submitted a detailed report on the subject matter to the Government for issue of final orders against Sri Md.Baheer, formerly Assistant Audit Officer, State Audit (ZP) Kadapa now retired under Rule 9 of A.P. Revised Pension Rules, 1980.

3. In the reference 7th read above, the final show cause notice was issued to the Charged Officer and submitted his explanation to the Government within 15 days. In the reference 8th read above, the Charged Officer has submitted his explanation to the Government and requested to drop the further action against him and release pensionary benefits. The explanation of the Charged Officer has been examined with reference to the Charge framed and enquiry report and found that there is lapse on the part of the Charged Officer in having irregularly sanctioned an amount of Rs.4,48,861/- to Sri S.A.Gaffar, Junior Auditor, State Audit (Retd) and forwarded the pension papers to the Accountant General, A.P.Hyderabad without verifying and taking into account the A.C.B. prosecution case pending against him. Therefore the provisional decision was taken to impose a penalty of withholding of 25% cut in pension for a period of 5 years in terms of Rule 9 of A.P. Revised Pension Rules, 1980. In the reference 9th read above, the Secretary, A.P.P.S.C. was addressed for concurrence on the proposed punishment on Sri Md.Basheer, A.A.O. (Retd) O/o. the D.A.O., State Audit, Kadapa. The APPSC has communicated the concurrence to the proposed punishment vide reference 10th read above.

4. Government after careful examination of the Inquiry Report with reference to the Charge framed, written statement of defence and explanation of the Charged Officer, hereby impose a penalty of withholding of 25% cut in pension for a period of 5 years on Sri Md.Basheer, Assistant Audit Officer (Retd) State Audit, (ZP) Kadapa District under Rule 9 of A.P. Revised Pension Rules, 1980.

5. The Director of State Audit, A.P.Hyderabad shall take necessary action accordingly and serve the copy of this order on the individual and return the served copy of the same alongwith his acknowledgement to the Government immediately.

6. “Copy of this order is available on Internet and can be accessed at address http://www.ap.gov.in.goir”.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

VASUDHA MISHRA,
SECRETARY TO GOVERNMENT (FP)

To
The individual through the Director of State Audit, A.P.Hyderabad.
The Accountant General, A.P.Hyderabad.
Copy to the Director of State Audit, A.P.Hyderabad.
Copy to the Director General, Anti Corruption Bureau, Hyderabad.
Copy to the Secretary to Vigilance Commissioner, A.P. Vigilance Commission, Hyd.
Copy to the Secretary, A.P. Public Service Commission, Hyderabad.
Copy to S.F./S.Cs.

//FORWARDED:: BY ORDER//

SECTION OFFICER